

REMARKS

The Applicants do not believe that entry of the foregoing response will introduce new matter into the present application for invention. Therefore, the Applicants, respectfully, request that the above response be entered in and that the claims to the present application, kindly, be reconsidered.

The Final Office Action dated May 28, 2004 has been received and considered by the Applicants. Claims 1-12 are pending in the present application for invention. Claims 1-12 are rejected by the May 28, 2004 Final Office Action.

The drawings are objected to because the text within the boxes is not legible. Redlined drawings are submitted with this response containing clear text identifying the function performed by the boxes in the drawings.

The Office Action rejects Claims 1-12 under the provisions of 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,778,187 issued to Monteiro et al. (hereinafter referred to as Monteiro et al.

Regarding Claim 1, the Examiner cites Monteiro et al. at column 17, lines 20-31 and column 7 lines 48-59 teach application that provides for an optional graphical user interface to be displayed. The Examiner has taken the position that column 17, lines 20-31 and column 7, lines 48-59 of Monteiro et al. teach that the user interface changes in response to a different song being played. The Applicants, respectfully, point out that the Examiner has cited portions of Monteiro et al. that discuss changes within the information that is displayed within the user interface which is not equivalent to changing the skin. The Applicants point out that skin changes are not at all discussed within Monteiro et al. The Examiner contends that column 17, lines 20-31 of Monteiro et al. provides a teaching for an optional user interface to be displayed. The Applicants, respectfully disagree. Monteiro et al. at column 17, lines 20-31 teach that information presented within the inner user interface, e.g. the channel guide, program guide and the tabs can be dynamically transmitted to the client and that information can change. The user interface within Monteiro et al. stays the same. The Applicants, respectfully, submit out that the Examiner has misconstrued the teachings of Monteiro et al. The Applicants draw the Examiner's attention to FIG. 18 Monteiro et al. wherein the MAIN USER

SCREEN is illustrated. It is the Applicants position that MAIN USER SCREEN shown in FIG. 18 is the user interface. The changes that take place within the MAIN USER SCREEN (the user interface) shown in FIG. 18 of Monteiro et al. are changes in the information displayed. There is no support for the assertions contained within the Final Office Action that the user interface changes when a different song is played, or that an optional user interface is displayed. The layout and appearance of the user interface stays the same and it is the layout and appearance of the user interface that defines a skin rather than the information that is displayed within any given skin. There is no discussion within Monteiro et al. related to changing the layout, appearance or the arrangement of items displayed within user interface. Monteiro et al. discuss that tabs can be relevant to the song that is being displayed and can include tabs for various items. But there is no disclosure, or suggestion, for even changing the layout of tabs for different songs. Simply put, Monteiro et al. discuss altering the information displayed within the user interface, not altering the user interface.

Column 7 lines 48-59 of Monteiro et al. discuss that sidebar information is synchronized with the audio channel and that a music program can deliver images or the text for song lyrics. The Applicants, respectfully, submit that that the discussion within column 7 lines 48-59 of Monteiro et al. pertains to content that can be displayed within a user interface; however there is no discussion related to changing the user interface.

The Applicants, respectfully, point out that a skin as defined by the present application for invention is a specific implementation of a "user interface". The Applicants draw the Examiner's attention to page 1 of the specification to the present invention beginning at line 9, where the terms skins is used within the present invention is defined. Beginning at line 12 on page 1 the specification states that a "skin may consist of a user interface layout, which defines a specific background, colors and shapes, and position in nature of control buttons in the graphical user interface." The definition of skin is abundantly clear from the specification of the present invention. Changing information displayed within a skin does not constitute changing of the skin. The Applicants, respectfully, submit that if Monteiro et al. taught that the user interface changed into a Juke Box or a Boom Box, such change would be a change in the skin. As it stands, Monteiro et al. do not even suggest changing the layout of any of the windows

within the user interface taught therein, or suggest changing the layout of the tabs in user interface in response to song selection. A skin as defined by the specification to the present invention is consistent with definition of skin as used in the relevant arts. The definition that that Examiner attempts to apply to skin or user interface is one in which a change within the information displayed by the user interface constitutes a change of the user interface itself, and such a definition is wholly inconsistent with the definition of skin used within the relevant arts, the specification of the present invention and user interface as used by cited reference Monteiro et al. Accordingly, this rejection is respectfully traversed.

Regarding Claim 2, the Examiner states that column 17, lines 20-31 of Monteiro et al. teach is that the tabs of a multimedia frame can be dynamically transmitted to the client. The Applicants, respectfully, point out that Monteiro et al. teach that the information within user interface, including the tabs, can be dynamically transmitted. As previously discussed, Monteiro et al. do not teach, or suggest, that the configuration of the user interface or the tabs are dynamically altered. The Final Office Action cites Monteiro et al. which discuss changing the information within the existing user interface or skin, and provides no teaching or motivation for actually the skin. Accordingly, this rejection is respectfully traversed.

Regarding Claim 3, the Examiner states that Monteiro et al. at column 8, lines 17-25 and column 7, lines 48-59 teach storing a plurality of user specific interface elements on the client computer including an identification of a respective one of a plurality of skins. The Applicants would like to, respectfully, point out that Monteiro et al. at column 8, lines 17-25 discusses an advertising stream that can be delivered in advance of regular programming and stored in a buffer for later insertion into regular programming upon receipt of a queuing single embedded in the right to programming. The Applicants, respectfully, assert that no reasonable reading of advertising content can be construed as a skin or user interface. The skin or user interface presents the advertising content. Storing a plurality of advertisements is not equivalent to storing a plurality of skins as recited by rejected Claim 3 to the present invention. The Applicants would like to respectfully point out that the terms skins as used in the present application for invention is defined as previously discussed. Advertising medium as discussed by Monteiro et al. at column 8,

lines 17-25 is not equivalent to a skin as defined by the present invention. Accordingly, this rejection is, respectfully, traversed.

Regarding Claim 4, the Examiner again asserts that advertisements are equivalent to the skins recited by the rejected claims of the present invention. The Applicants would like to, respectfully, point out that the advertisements are information that can be displayed within a skin but that the advertisements themselves are not a skin. Accordingly this rejection is respectfully traversed.

Regarding Claim 5, the Applicants respectfully assert that the recitation of rejected defines subject matter for changing the skin, e.g. the appearance of the user interface itself and not the content displayed within the user interface. Furthermore, Claim 5 depends from Claim 1, which as previously discussed is believed allowable, therefore Claim 5 which further narrows and defines Claim 1 is also believed to be allowable.

Regarding Claim 6, the Applicants would like to, respectfully, point out that rejected Claim 6 includes the subject matter of Claim 5 and Claim 1 which define subject matter for both a skin change (change in the user interface) and the further information defined by Claim 6 to be content. The Examiner has rejected both the recitation for the skin change and the recitation of the further information including content using only the advertising content taught by Monteiro et al. Yet, the Examiner has failed to explain how the changes in advertising content taught by Monteiro et al. can be equivalent to both skin changes and the content changes recited by rejected Claim 6. The Applicants respectfully assert that the rejection to Claim 6 clearly illustrates the basic errors that exist in the rejection of the claims to the present invention based on cited reference Monteiro et al. Accordingly, this rejection is respectfully traversed.

Regarding Claim 7, which recites that the apparatus further comprises user profile means for maintaining a user profile and the event includes a change of the user profile, the Examiner states that column 2, lines 17-26 and column 8, lines 12-15 of Monteiro et al. teach that portions of information can be tailored to client. The Applicants would like to, respectfully, point out that column 2, lines 17-26 of Monteiro et al. discuss that multiple channels information are available and that certain portions of the information content can be tailored to the individual user. The Applicants, respectfully, point out that

rejected Claim 7 recites that the event which results in a change in the skin is a change in the user profile. The potential for tailoring of information content as taught by Monteiro et al. is not equivalent to changing the skin as a result of a change in the user profile as defined by rejected Claim 7. Moreover, there is no disclosure, or suggestion, for changing of skin in response to a change in the user profile. The Applicants, respectfully, point out that Column 8, lines 12-15 of Monteiro et al. discuss a user receiving advertising that unique to the demographic group of the user. The Applicants assert that advertising is content and not a user interface or skin. Furthermore, Monteiro et al. teach receiving the advertising for a demographic group not a specific user. The Applicants, respectfully assert that a person skilled in the art would not be motivated by the target advertising taught by Monteiro et al. to create an apparatus that changes user interfaces/skins in response to a change in the user profile as defined by rejected Claim 7. Accordingly, this rejection is respectfully traversed.

Regarding Claim 8, the Applicants respectfully assert that Monteiro et al. does not teach or suggest a computer program product that changes skins in response to an event, wherein, the event is not a response for a request to change skins. Furthermore, Monteiro et al. teach changes in content displayed with a skin/user interface and does not teach changing skins/user interfaces. Additionally, Claim 8 depends from Claim 1, which as previously discussed is believed allowable, therefore Claim 8 which further narrows and further defines Claim 1 is also believed to be allowable.

Regarding Claim 9, the Examiner states that Monteiro et al. at column 17, lines 20-31 and Figure 18 teach an application with a dynamic graphical user interface that allows for an optional graphical user interfaces to be displayed based upon user selections. The Examiner's position is that the information transmitted to the client as taught on column 17, lines 20-31 and Figure 1 of Monteiro et al. is equivalent the recitation for changing the skin as recited by rejected Claim 9. The Applicants would like to, respectfully, point out that the term "skin" is commonly used term within the art. Furthermore, skin is defined within the specification for the present invention as previously discussed in the response to the rejection to Claim 1. Claim 9 also defines skin as influencing the look of the graphical user interface. The Examiner's position is that a change in the content results in a change within the skin (the appearance of the user

interface). The Applicants, respectfully, disagree. Monteiro et al. only discusses a single appearance to the user interface taught, therein. Varying the appearance of the user interface is disclosed, or suggested by the teachings of Monteiro et al. The term skin is defined within the specification for the present invention on page 1, lines 12-14 as “a user interface layout, which defines a specific background, colors and shapes, and the position and nature of control buttons in the graphical user interface. Monteiro et al. never discuss changing the skin (appearance of the user interface), and there is no feature disclosed, or suggested, by within Monteiro et al. for altering the specific background, color, shapes, or the position and nature of control buttons within the graphical user interface. Column 17, lines 20-31 and Figure 1 of Monteiro et al. discuss changing content within a user interface, not altering the appearance of the user interface. Column 17, lines 20-31 and Figure 1 of Monteiro et al. discuss dynamically transmitting content information for a channel guide, program guide, and tabs for a multimedia frame dynamically to a client, or user. Monteiro et al. do **not** discuss altering the arrangement of tabs, or the placement and appearance of the channel guide and program guide. As such the appearance of the user interface taught by Monteiro et al. do **not** change. The Applicants content that Monteiro et al. employ a single skin (user interface appearance/layout) without providing any teaching, or suggestion, for changing the appearance/layout of that skin. Accordingly, this rejection is, respectfully, traversed.

Regarding Claim 10, the Examiner cites column 8, lines 17-25 and column 7, lines 48-59 of Monteiro et al. and states that these sections teach storing a plurality of user interface elements on a client computer and displaying the interface elements in response to audio channels or specific cueing signals. The Applicants position, as previously stated, is that the advertisement and sidebar information taught by the cited sections of Monteiro et al. are content. The rejected claims to the present invention recite changes to a skin which is clearly defined to be the appearance/layout of the user interface and not the content that is displayed within the same appearance/layout of the user interface. There is there is no disclosure, or suggestion, within Monteiro et al. for a skin change command that identifies a respective skin stored in the apparatus, for applying the respective skin to the graphical user interface as recited by Claim 10 to the present invention. The Applicants, respectfully, point out that these elements refer to

advertisements or sidebar information that is synchronized with the audio channel. There is no change to skins disclosed, or suggested, by the teachings of Monteiro et al. Accordingly this rejection is respectfully traversed.

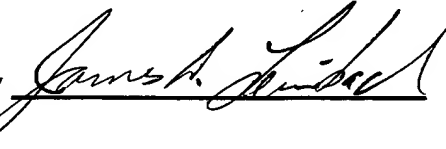
Regarding Claim 11, the Examiner states that column 8, lines 17-25 and column 7, lines 48-59 of Monteiro et al. teach the downloading of interface elements in response to specific cueing signals. The Applicants would like to, respectfully, point out that these elements are information that could conceivably be used within a skin but that these elements did not constitute a skin as defined by the present invention. Accordingly this rejection is especially traversed.

Regarding Claim 12, which depends from and further narrows and defines Claim 9, which as previously discussed is believed to be allowable, therefore Claim 12 is also believed to be allowable.

Applicant is not aware of any additional patents, publications, or other information not previously submitted to the Patent and Trademark Office which would be required under 37 C.F.R. 1.99.

In view of the foregoing amendment and remarks, the Applicant believes that the present application is in condition for allowance, with such allowance being, respectfully, requested.

Respectfully submitted,

By 

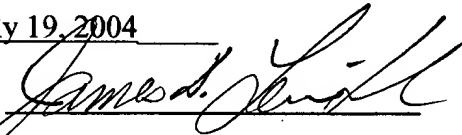
James D. Leimbach, Reg. 34,374
Patent Attorney (585) 381-9983

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited this date with the United States Postal Service as first-class mail in an envelope addressed to: COMMISSIONER FOR PATENTS,
P.O. Box 1450, Alexandria, VA 22313-1450

Date of Mailing: July 19, 2004

(Signature)



(Printed Name) James D. Leimbach